UNITED STATES PATENT AND TRADEMARK OFFICE

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10/774,220	02/06/2004	Thomas J. Vanderwiel	60000500-1007	8115

			EXAMINER
26263	7590	07/26/2005	SHECHTMAN, SEAN P

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/774,220	VANDERWIEL, THOMAS J.
	Examiner	Art Unit	
	Sean P. Shechtman	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 June 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-67_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-67_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _7/6/04; 2/6/04_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-67 are presented for examination. Claims 1, 9, 26, 32-34, 42, 60, 66, and 67

have been amended.

Claim Rejections - 35 USC § 112

2.   Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 101

3.   Rejections withdrawn due to the amendment.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.

4.   Claims 1, 5, 6, 10-14, 18-23, 34, 38, 39, 43-47, 51, 52, 54-57, are rejected under 35

U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,775,585 to Bedont, Jr. et al (hereinafter

referred to as Bedont).

Referring to claims 1 and 34, Bedont teaches a creating an input computer model from a

plurality of inputs (Col. 5, lines 49-57; Col. 5, lines 66-67; Col. 6, lines 39-51); and launching a

batch job of said created input computer model, said batch job being adapted to automatically

create a computer model of an eggcrate substructure from the input computer model (Col. 7,

lines 36-62; Col. 8, lines 62-67; Col. 9-10).

The examiner respectfully submits that the term "eggcrate substructure," absent any

special definition set forth in the specification and absent any required creation by the claim

language, fails to define any structural difference over that of the splice bar of Bedont.

Referring to claims 5 and 38, Bedont teaches a method and apparatus in accordance with claim 1 wherein said inputs are stored and retrievable (Col. 7, lines 36-39; Col. 5, lines 49-64).

Referring to claims 6 and 39, Bedont teaches a method and apparatus in accordance with claim 1 wherein said batch job is launched from a web page (Col. 7, lines 36-39).

Referring to claims 10 and 43, Bedont teaches a method and apparatus in accordance with claim 1 further comprising obtaining an output model by running said batch job (Col. 7, lines 54-62).

Referring to claim 11 and 44, Bedont teaches a method and apparatus in accordance with claim 10 wherein said output model contains both three-dimensional space and two-dimensional draw geometry (Abstract; line 7).

Referring to claim 12 and 45, Bedont teaches a method and apparatus in accordance with claim 10 further comprising displaying said output model for review (Col. 7, line 63).

Referring to claim 13 and 46, Bedont teaches a method and apparatus in accordance with claim 12 further comprising receiving verification that said output model is acceptable (Abstract).

Referring to claim 14 and 47, Bedont teaches a method and apparatus in accordance with claim 13 further comprising merging an ITS spec sheet into an output model tool drawing (Col. 2, lines 61-64).

Referring to claim 18 and 51, Bedont teaches a method and apparatus in accordance with claim 12 further comprising changing said inputs when said output model is unacceptable, said changed inputs including three-dimensional sketch and at least one of web and interactive inputs (Col. 3, lines 34-44).

Referring to claim 19 and 52, Bedont teaches a method and apparatus in accordance with claim 18 further comprising repeating said batch job with said changed inputs (Col. 7, line 63 – Col. 8, line 3).

Referring to claim 20 and 54, Bedont teaches a method and apparatus in accordance with claim 18 wherein a display of said input model is interactively and simultaneously changed upon each changed input entry (Col. 5, lines 24-27; Col. 6, lines 39-51).

Referring to claim 21 and 55, Bedont teaches a method and apparatus in accordance with claim 1 wherein said inputs include at least one of CAD and web inputs (Col. 4, lines 3-4).

Referring to claim 22, 23, 56, 57, Bedont teaches a method and apparatus in accordance with claim 1 wherein said inputs include Output Options (Col. 6, lines 12-13; Col. 10, lines 1-3).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5.   Claims 2-4, 24-26, 32, 35-37, 58-60, 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,775,585 to Bedont as applied to claims 1, 5, 6, 10-14, 18-23, 34, 38, 39, 43-47, 51-57 above, and further in view of U.S. Pat. No. 4,697,240 to Cedar.

Referring to claims 2 and 35, Bedont teaches all of the limitations disclosed above, however fails to teach the input model is created using inputs including locations that are inexact and incomplete.

Referring to claims 3 and 36, Bedont teaches all of the limitations disclosed above, however fails to teach the input model includes a periphery having at least one of a plurality of sides and intersections.

Referring to claims 4 and 37, Bedont teaches all of the limitations disclosed above, however fails to teach the input model includes lines lying in at least one of a same and different planes.

Referring to claim 24 and 58, Bedont teaches all of the limitations disclosed above, however fails to teach the input model contains said three-dimensional sketch used to generate eggcrate supports.

Referring to claim 25 and 59, Bedont teaches all of the limitations disclosed above, however fails to teach the cutout areas made from input solids are always perpendicular to a support.

Referring to claim 26 and 60, Bedont teaches all of the limitations disclosed above, however fails to teach the fillets can be made for almost any two-dimensional wireframe profile in a predictable manner, even when part of the profile must be removed.

Referring to claim 32 and 66, Bedont teaches all of the limitations disclosed above, however fails to teach the solids can be used to represent the placement of any non-eggcrate part in the design and eggcrate features will be generated to accommodate these parts in the design.

However, Cedar teaches analogous art, wherein referring to claims 2 and 35, Cedar teaches an input model is created using inputs including locations that are inexact and incomplete (Col. 3, lines 22-32).

Referring to claims 3 and 36, Cedar teaches the input model includes a periphery having at least one of a plurality of sides and intersections (Col. 3, lines 22-26; Figs 3-4).

Referring to claims 4 and 37, Cedar teaches the input model includes lines lying in at least one of a same and different planes (Fig. 3).

Referring to claim 24 and 58, Cedar teaches the input model contains said three-dimensional sketch used to generate eggcrate supports (Col. 3, lines 66- Col. 4, line 52).

Referring to claim 25 and 59, Cedar teaches the cutout areas made from input solids are always perpendicular to a support (Col. 4, lines 3-22).

Referring to claim 26 and 60, Cedar teaches the fillets can be made for almost any two-dimensional wireframe profile in a predictable manner, even when part of the profile must be removed (Col. 3, lines 66 – Col. 4, line 22).

Referring to claim 32 and 66, Cedar teaches the solids can be used to represent the placement of any non-eggcrate part in the design and eggcrate features will be generated to accommodate these parts in the design (Col. 4, lines 3-22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Cedar with the teachings of Bedont.

One of ordinary skill in the art would have been motivated to combine these references because Cedar teaches using CAD/CAM techniques to digitally process surface data that can be used in conjunction with a coordinated pre-planning of all tooling aids and properties needed throughout the design cycle, and allows reliance on computer databases to move from one level or refinement to the next without starting all over again with drawings of scan lines when new properties need to be produced. Cedar teaches the same database can be constantly upgraded and properties can be produced by automatic means more quickly and economically (Col. 5, lines 18-60).

6.   Claims 15-17, 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pat. No. 6,775,585 to Bedont as applied to claims 1, 5, 6, 10-14, 18-23, 34, 38, 39, 43-47, 51-57

above, and further in view of U.S. Pat. No. 6,675,059 to Scott.

Referring to claim 17 and 50, Bedont teaches a method and apparatus further comprising:

preparing a formatted output for NC Programming; and sending said formatted output to NC

Programming (Col. 5, lines 9-14; Col. 10, lines 49-52).

Referring to claim 15 and 48, Bedont teaches all of the limitations disclosed above,

however fails to teach adding a substructure flag note to a face of said output model tool

drawing.

Referring to claim 16 and 49, Bedont teaches all of the limitations disclosed above,

however fails to teach sending said ITS spec sheet to tool fabrication.

However, Scott teaches analogous art, wherein referring to claim 15 and 48, Scott teaches

adding a substructure flag note to a face of said output model tool drawing (Col. 7, lines 9-41).

Referring to claim 16 and 49, Scott teaches a method and apparatus sending said ITS spec

sheet to tool fabrication (Col. 4, lines 32-46).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that

the invention was made to combine the teachings of Scott with the teachings of Bedont.

One of ordinary skill in the art would have been motivated to combine these references

because Scott teaches a web interface that allows users to order customized equipment based on

the customer supplied design specifications and allows nested parts information to be seamlessly

transmitted to machining (Col. 1, lines 43-60).

7.   Claims 7-9, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Pat. No. 6,775,585 to Bedont as applied to claims 1, 5, 6, 10-14, 18-23, 34, 38, 39, 43-47, 51-57

above, and further in view of U.S. Pat. 5,321,835 to Tanaka.

Referring to claims 7 and 40, Bedont teaches a method and apparatus in accordance with

claim 1 wherein when said batch job fails (Col. 7, line 63 – Col. 8, line 17).

Referring to claims 8 and 41, Bedont teaches a method and apparatus in accordance with

claim 7 further comprising re-launching said batch job when said batch job fails (Col. 7, line 63

– Col. 8, line 17).

Referring to claims 9 and 42, Bedont teaches a method and apparatus in accordance with

claim 8 further comprising verifying said inputs to said batch job prior to re-launching said batch

job (Col. 7, line 63 – Col. 8, line 17).

Referring to claims 7-9, 40-42, Bedont teaches all of the limitations disclosed above,

however fails to teach an error message is provided.

However, Tanaka teaches analogous art, wherein referring to claims 7-9, 40-42, Tanaka

teaches when a batch job fails, an error message is provided (See cover figure; Col. 15, lines 50-

Col. 16, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that

the invention was made to combine the teachings of Tanaka with the teachings of Bedont.

One of ordinary skill in the art would have been motivated to combine these references

because Tanaka teaches reducing rerun time by automating rerun processing and skipping rerun

and file access of unnecessary jobs by storing access configurations from respective jobs to all

the files, determining those jobs that require rerun automatically based on abovementioned

access configurations, and further skipping unnecessary file access among rerun jobs. Further, there is an effect of inhibiting unnecessary rerun in a unit of job step by storing inheritance data between job steps and providing steps utilized at the rerun time. Further, there is an effect of preventing diffusion of the rerun job scope by storage device trouble and further reducing the rerun time by providing the step for controlling so that the files are stored in different storage devices in a unit of job or in a unit of job step. Furthermore, when a trouble occurs, in allocating a file, in the storage device in which the file is located, it is possible to localize the trouble influence scope even in case the number of the storage devices is less as compared with the number of files by selecting the same storage device as the file to which access is made by a job or a job step requiring rerun together with the job or the jog step making access thereto. Furthermore, when storage devices corresponding to the number of files exist, it is possible to localize the influence scope by storage device trouble and to reduce the rerun time by reducing the rerun processing objects by allocating respective files to different storage devices to the utmost (Col. 15, lines 11-48).

8.   Claims 27-31, 33, 53, 61-65, 67, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,775,585 to Bedont as applied to claims 1, 5, 6, 10-14, 18-23, 34, 38, 39, 43-47, 51-57 above, and further in view of U.S. Pat. No. 5,701,403 to Watanabe.

Referring to claim 27 and 61, Bedont teaches all of the limitations disclosed above, however fails to teach the periphery header locations only need to be sketched.

Referring to claim 28 and 62, Bedont teaches all of the limitations disclosed above, however fails to teach the internal header locations only need to be sketched.

Referring to claim 29 and 63, Bedont teaches all of the limitations disclosed above, however fails to teach the internal intercostals locations only need to be sketched.

Referring to claim 30 and 64, Bedont teaches all of the limitations disclosed above, however fails to teach the snap-to diagonal locations only need to be sketched.

Referring to claim 31 and 65, Bedont teaches all of the limitations disclosed above, however fails to teach the internal supports are one of trimmed and extended to other supports.

Referring to claim 33 and 67, Bedont teaches all of the limitations disclosed above, however fails to teach the support top edge is generated so that it only makes contact with a bottom of said tool face sheet even with highly contoured parts.

Referring to claim 53, Bedont teaches all of the limitations disclosed above, however fails to teach the changed inputs include a change in "type" of thickness.

However, Watanabe teaches analogous art, wherein referring to claim 27 and 61, Watanabe teaches the periphery header locations only need to be sketched. Referring to claim 28 and 62, Watanabe teaches the internal header locations only need to be sketched. Referring to claim 29 and 63, Watanabe teaches the internal intercostals locations only need to be sketched. Referring to claim 30 and 64, Watanabe teaches the snap-to diagonal locations only need to be sketched. Referring to claim 31 and 65, Watanabe teaches the internal supports are one of trimmed and extended to other supports. Referring to claim 33 and 67, Watanabe teaches the a support top edge is generated so that it only makes contact with a bottom of said tool face sheet even with highly contoured parts (Fig. 3-60).

Referring to claim 53, Watanabe teaches the changed inputs include a change in "type" of thickness (Col. 14, lines 21-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that

the invention was made to combine the teachings of Watanabe with the teachings of Bedont.

One of ordinary skill in the art would have been motivated to combine these references

because Watanabe teaches a CAD system that allows users to perform 3-d shaping operation

without thinking of how to manipulate a complicated 3-d operation required for local operation

in order to obtain a desired product model. Furthermore, Watanabe teaches the time required to

for users to manipulate a product model can be reduced and hence the efficiency of drawing

work can be improved (Col. 49, lines 29-43).

Response to Arguments

Applicant's arguments filed June 28th 2005 have been fully considered but they are not

persuasive.

9.   Applicant argues that Bedont fails to teach a method and apparatus capable of producing

an eggcrate substructure. The examiner respectfully disagrees. The examiner respectfully notes

that the claims, as such, do not require producing any structure. The claims only require that the

batch job be adapted to automatically create a computer model of an eggcrate substructure from

the input computer model, wherein nothing is required to be automatically created or created.

Bedont clearly teaches a tire component is a tread, preformers are tools made of multiple

pieces of steel to give a specific shape or form to a tread, and a splice bar is one of these

performers with cavities that is used in extrusion rubber process (Col. 1, lines 14-33). The issue

is whether the method and apparatus of Bedont, adapted to produce a splice bar which is made

up of multiple pieces of steel with cavities to give specific shape or form to a tread of a tire, is a

method and apparatus adapted to produce an eggcrate substructure. The examiner respectfully

submits that the term "eggcrate substructure," absent any special definition set forth in the

specification and absent any required creation by the claim language, fails to define any

structural difference over that of the splice bar of Bedont. The examiner respectfully submits

that a particular type of structure comprising plates arranged to define open cells such as, for

example, that illustrated in figures 20B, 20D, 20F, 20H, 20J, 20L and 20N of the instant

application, is not an explicit definition of the term eggcrate substructure nor is this description

provided for in the instant specification. For applicant's convenience the examiner has provided

section 2111 [R-1] of the MPEP below which clearly states, in part:

"2111 [R-1] Claim Interpretation; Broadest Reasonable Interpretation
CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE
INTERPRETATION
During patent examination, the pending claims must be "given *>their< broadest
reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d
1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000).< Applicant always has the
opportunity to amend the claims during prosecution, and broad interpretation by the
examiner reduces the possibility that the claim, once issued, will be interpreted more
broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-
51 (CCPA 1969) (Claim 9 was directed to a process of analyzing data generated by
mass spectrographic analysis of a gas. The process comprised selecting the data to be
analyzed by subjecting the data to a mathematical manipulation. The examiner made
rejections under 35 U.S.C. 101 and 102. In the 35 U.S.C. 102 rejection, the examiner
explained that the claim was anticipated by a mental process augmented by pencil and
paper markings. The court agreed that the claim was not limited to using a machine to
carry out the process since the claim did not explicitly set forth the machine. The court
explained that "reading a claim in light of the specification, to thereby interpret limitations
explicitly recited in the claim, is a quite different thing from reading limitations of the
specification into a claim,' to thereby narrow the scope of the claim by implicitly adding
disclosed limitations which have no express basis in the claim." The court found that
applicant was advocating the latter, i.e., the impermissible importation of subject matter
from the specification into the claim.). See also In re Morris, 127 F.3d 1048, 1054-55,
44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The court held that the PTO is not
required, in the course of prosecution, to interpret claims in applications in the same
manner as a court would interpret claims in an infringement suit. Rather, the "PTO
applies to verbiage of the proposed claims the broadest reasonable meaning of the words
in their ordinary usage as they would be understood by one of ordinary skill in the art,
taking into account whatever enlightenment by way of definitions or otherwise that may

be afforded by the written description contained in applicant's specification.").
The broadest reasonable interpretation of the claims must also be consistent with the
interpretation that those skilled in the art would reach. In re Cortright, 165 F.3d 1353,
1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) (The Board's construction of the claim
limitation "restore hair growth" as requiring the hair to be returned to its original state was
held to be an ** >incorrect< interpretation of the limitation. The court held that, consistent
with applicant's disclosure and the disclosure of three patents from analogous arts using the
same phrase to require only some increase in hair growth, one of ordinary skill would
construe "restore hair growth" to mean that the claimed method increases the amount of
hair grown on the scalp, but does not necessarily produce a full head of hair.)."

The examiner respectfully submits that the method and apparatus of Badont, adapted to

produce a splice bar which is made up of multiple pieces of steel with cavities to give specific

shape or form to a tread of a tire, is a method and apparatus adapted to produce an eggcrate

substructure.

10.   Applicant argues that Bedont fails to teach launching a batch job that automatically

creates a computer model of an eggcrate substructure from an input computer model. The

examiner respectfully disagrees. The examiner respectfully notes that the claims, as such, do not

require that batch job be launched automatically. The examiner respectfully notes that the

claims, as such, do not require producing any structure. The claims only require that the batch

job be adapted to automatically create a computer model of an eggcrate substructure from the

input computer model, wherein nothing is required to be automatically created or created.

Bedont clearly teaches the user launches Pro-E, the information that the user has

generated on the user interface tool is transmitted as a batch file to Pro-E which executes the

batch file, and the "first thing that Pro-E will do is to bring up (regenerate) the generic model

which was being worked on by the user, then apply the parameters generated by the user to the

generic model to personalize the model to the user's specifications and become a production

model" (Col. 7, lines 54-62); wherein the information the user has generated is a computer model

(Col. 8, lines 41-54; Col. 5, lines 66-67); wherein the user inputs are converted into batch

commands for the CAD/CAM software (Col. 8, lines 62-63).

The examiner respectfully submits that the launching of Pro-E which executes the batch

file transmitted by the user interface tool, wherein Pro-E creates a production model of an

eggcrate substructure from the computer model the user has generated is launching a batch job

that automatically creates a computer model of an eggcrate substructure from an input computer

model.

11.   Applicant argues that the office action fails to state a reason why one of ordinary skill in

the art would be motivated to combine Cedar with Bedont. The examiner respectfully disagrees.

The examiner respectfully submits that the office action mailed May 2nd 2005 clearly states a

reason why one of ordinary skill in the art would be motivated to combine Cedar with Bedont.

For applicant's convenience the examiner has reproduced this portion of the office action below,

which clearly states, in part:

> "One of ordinary skill in the art would have been motivated to combine these references
> because Cedar teaches using CAD/CAM techniques to digitally process surface data that can be
> used in conjunction with a coordinated pre-planning of all tooling aids and properties needed
> throughout the design cycle, and allows reliance on computer databases to move from one level
> or refinement to the next without starting all over again with drawings of scan lines when new
> properties need to be produced. Cedar teaches the same database can be constantly upgraded and
> properties can be produced by automatic means more quickly and economically (Col. 5, lines 18-
> 60)."

12.   Applicant argues that the office action fails to state a reason why one of ordinary skill in

the art would be motivated to combine Scott with Bedont. The examiner respectfully disagrees.

The examiner respectfully submits that the office action mailed May 2nd 2005 clearly states a

reason why one of ordinary skill in the art would be motivated to combine Scott with Bedont.

For applicant's convenience the examiner has reproduced this portion of the office action below,

which clearly states, in part:

"One of ordinary skill in the art would have been motivated to combine these references
because Scott teaches a web interface that allows users to order customized equipment based on
the customer supplied design specifications and allows nested parts information to be seamlessly
transmitted to machining (Col. 1, lines 43-60)."

13.   Applicant argues that the office action fails to state a reason why one of ordinary skill in

the art would be motivated to combine Tanaka with Bedont. The examiner respectfully

disagrees. The examiner respectfully submits that the office action mailed May 2nd 2005 clearly

states a reason why one of ordinary skill in the art would be motivated to combine Tanaka with

Bedont. For applicant's convenience the examiner has reproduced this portion of the office

action below, which clearly states, in part:

"One of ordinary skill in the art would have been motivated to combine these references
because Tanaka teaches reducing rerun time by automating rerun processing and skipping rerun
and file access of unnecessary jobs by storing access configurations from respective jobs to all
the files, determining those jobs that require rerun automatically based on abovementioned
access configurations, and further skipping unnecessary file access among rerun jobs. Further,
there is an effect of inhibiting unnecessary rerun in a unit of job step by storing inheritance data
between job steps and providing steps utilized at the rerun time. Further, there is an effect of
preventing diffusion of the rerun job scope by storage device trouble and further reducing the
rerun time by providing the step for controlling so that the files are stored in different storage
devices in a unit of job or in a unit of job step. Furthermore, when a trouble occurs, in allocating
a file, in the storage device in which the file is located, it is possible to localize the trouble
influence scope even in case the number of the storage devices is less as compared with the
number of files by selecting the same storage device as the file to which access is made by a job
or a job step requiring rerun together with the job or the jog step making access thereto.
Furthermore, when storage devices corresponding to the number of files exist, it is possible to
localize the influence scope by storage device trouble and to reduce the rerun time by reducing
the rerun processing objects by allocating respective files to different storage devices to the
utmost (Col. 15, lines 11-48)."

14.   Applicant argues that the office action fails to state a reason why one of ordinary skill in

the art would be motivated to combine Watanabe with Bedont. The examiner respectfully

disagrees. The examiner respectfully submits that the office action mailed May 2nd 2005 clearly

states a reason why one of ordinary skill in the art would be motivated to combine Watanabe

with Bedont. For applicant's convenience the examiner has reproduced this portion of the office

action below, which clearly states, in part:

> "One of ordinary skill in the art would have been motivated to combine these references because Watanabe teaches a CAD system that allows users to perform 3-d shaping operation without thinking of how to manipulate a complicated 3-d operation required for local operation in order to obtain a desired product model. Furthermore, Watanabe teaches the time required to for users to manipulate a product model can be reduced and hence the efficiency of drawing work can be improved (Col. 49, lines 29-43)."

Conclusion

15.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

16.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754.

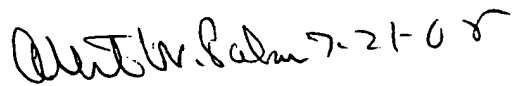The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

July 19, 2005

ALBERT W. PALADINI
PRIMARY EXAMINER